

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KENNETH M. KANSKY,
Plaintiff,

v.

**COCA-COLA BOTTLING COMPANY OF NEW ENGLAND,
COCA-COLA ENTERPRISES, INC.,
COCA-COLA ENTERPRISES LONG TERM DISABILITY PLAN
A/K/A CORE LTD BENEFITS,
AND
AETNA LIFE INSURANCE COMPANY,**
Defendants.

CIVIL ACTION No.

05-10908 DPW

**MOTION OF ALL DEFENDANTS
TO DISMISS COUNT IV OF PLAINTIFF'S COMPLAINT**

All of the defendants hereby move the Court for an order dismissing Count IV of the plaintiff's complaint in this action. As grounds therefore, the defendants rely upon the accompanying Memorandum in Support of their Motion to Dismiss, which is also being filed this day, and which contains a statement of reasons, including citation of supporting authorities, why this motion should be granted.

REQUEST FOR ORAL ARGUMENT

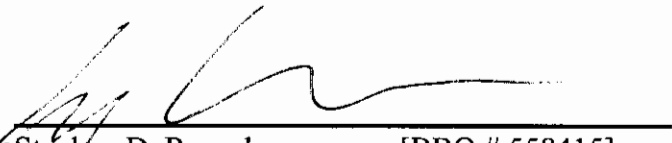
The defendants request that this Court hear oral argument on this motion.

WHEREFORE, all defendants move this Court for an order dismissing Count IV of the plaintiff's complaint.

Respectfully submitted,

The Defendants, by their attorneys,

Date: June 17, 2005



Stephen D. Rosenberg [BBO # 558415]

McCormack & Epstein

One International Place - 7th Floor

Boston, MA 02110

Ph: 617•951•2929

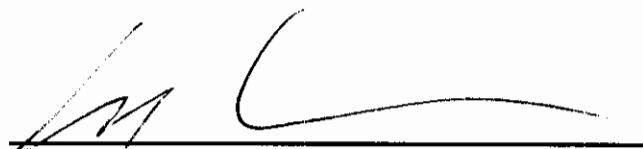
Fax: 617•951•2672

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Motion to Dismiss Count IV of Plaintiff's Complaint** has been served upon all counsel of record by depositing a copy hereof in the U.S. Mail, postage prepaid, addressed to:

Bernard Kansky, Esq. *[Attorney for Plaintiff]*
Kansky & Associates
468 Commercial Street - #100
Boston, MA 02109-1020

DATED this 17th day of June, 2005.



Stephen D. Rosenberg [BBO# 558415]
McCormack & Epstein
One International Place - 7th Floor
Boston, MA 02110
Ph: 617•951•2929
Fax: 617•951•2672